

UNITED STATES DISTRICT COURT  
for the

Western District of North Carolina

**Order Regarding Motion for Sentence Reduction Pursuant to 18 U.S.C. § 3582(c)(2)**

Upon motion of  the defendant  the Director of the Bureau of Prisons  the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion,

**IT IS ORDERED** that the motion is:

DENIED.  GRANTED and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of 36 mos & 1 day months **is reduced to** time served plus 10 days .

**I. COURT DETERMINATION OF GUIDELINE RANGE (Prior to Any Departures)**

Previous Offense Level: 21 Amended Offense Level: 19  
Criminal History Category: I Criminal History Category: I  
Previous Guideline Range: 37 to 46 months Amended Guideline Range: 30 to 37 months

## II. SENTENCE RELATIVE TO AMENDED GUIDELINE RANGE

- The reduced sentence is within the amended guideline range.
- The previous term of imprisonment imposed was less than the guideline range applicable to the defendant at the time of sentencing as a result of a departure or Rule 35 reduction, and the reduced sentence is comparably less than the amended guideline range.
- Other (explain): The original sentence was given outside the advisory guideline system, ie: a variance. No factors have changed since the original sentencing.

### III. ADDITIONAL COMMENTS

Except as provided above, all provisions of the judgment dated 04/26/2006 shall remain in effect.  
**IT IS SO ORDERED.** Signed: April 30, 2008

Order Date: April 30, 2008

Effective Date: \_\_\_\_\_  
(if different from order)

Lacy H. Thornburg  
United States District Judge

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